

Zoning Staff Report

Case	P03-72	Jurisdiction	City
Reference Name	Harmony Road		
Request	Proposed Zoning	PDR 3.31; F/J-B	
	Proposed Use	175 single-family lots	
Existing Site Characteristics	Existing Zoning	R-20; F/J-B	
	Existing Use	Two single-family residences	
	Site Acreage	52.82 acres	
Applicant	First American Land		
Submittal Date	October 13, 2003		
Location	Harmony Road and Ardmore Drive, southeast of S. Roxboro Street, north of Morningside Drive, west of Tall Oaks Drive, south of Greyfield Boulevard.		
Street Atlas	Page 42: D-4, Page 43: A-4	PIN See attached list Parcel ID See attached list	
Plan	South Durham	Designation	Low Density Residential (1-4 units per acre)
		Request Consistent with Plan	Yes
Recommendation/Comments	Staff	Approval, based upon consistency with the small area plan. The effective date of this rezoning shall be the subdivision of parcels, in order for the rezoning to correspond to parcel boundaries (Section 15.2.1 of the Zoning Ordinance).	
	Zoning Committee	Approval, 3-2	
	DOST	None	

Summary

This is a request to rezone approximately 53 acres zoned R-20 to PDR 3.31. The proposal would permit a total of 175 single family dwelling units, with a minimum lot size of 5,000 square feet. An existing pond, located at the northeast section of the site, is proposed to be removed. A railway easement along the tributary of Third Fork Creek has been provided, as requested by the *Durham Trails and Greenways Master Plan (DTAG)*. The proposal is considered low density residential and thus is consistent with the small area plan.

A development plan designation (D) has been added to this request. This indicates that the physical layout of the property shown on a development plan and related notes are included as part of the adopted rezoning. Any significant change in the plan will require a

new zoning petition for the property. The development plan submitted with this rezoning includes the following committed elements:

Development Plan Elements	
Committed Elements	<ul style="list-style-type: none">• Maximum number of single family dwelling units - 175• Minimum single family lot size - 5,000 square feet• Maximum building height - 35 feet• Minimum amount of open space – 15.9% (8.45 acres)• Minimum amount of tree coverage - 20.8% (10.98 acres)• A 100' trailway easement along the Third Fork Creek tributary will be provided.• Ardmore Drive will be extended to the intersection of Morningside Drive and Sturbridge Drive.• Harmony Drive will be improved to current City of Durham Public Works standards (curb, gutter and pavement) to the intersection with Cook Road.

Site History

There have been no recent rezonings on this site.

Requested Zoning District Characteristics

PDR (Planned Density Residential District) allows for design flexibility. The district is intended to encourage efficient use of the land and public services, to allow innovative development integrated with prospective adjacent uses and compatible with existing patterns of development, and to provide a variety of dwelling types, adequate support services and open space for the residents of the development. Besides residential uses, the PDR zone allows compatible uses, including agriculture, cemeteries, convalescent and retirement centers, family and group care homes, parks, accessory dwellings, day care, hospitals, places of worship, and schools. Under limited circumstances, office and commercial uses oriented to and serving the PDR development may be allowed. The number following “PDR” in the zoning designation indicates the maximum density per acre.

No minimum lot size or lot width is set in PDR. The setback from streets is a function of PDR density, running from 8' to 25'. Setbacks from perimeter boundary lines for the PDR include a 25' rear yard and a side yard matching that required in the adjacent zoning district.

F/J-B Overlay: The requested rezoning site is located within the F/J-B (Falls/Jordan) watershed protection overlay district and the Urban Growth Area (UGA). Within the UGA, the impervious surface limitation is 24% without stormwater controls; projects developed under the High Density Option (above 24% to a maximum of 70%) must have stormwater facilities designed and constructed to control the first inch of stormwater runoff.

Zoning District Requirements- -Planned Density Residential

	Required	Code Provision	Proposed	Consistent
Min. Lot Area	None specified	4B.1.6	Minimum 5,000 square feet	Yes
Front Setback	8'	4B.1.6	8'	Yes
Side Setback	Internal lots: None specified. External lots (adjoining R-20 zone): 12'	4B.1.6	Internal lots: 5' External lots: 12'	Yes
Street Side Setback	10'	4B.1.6	10'	Yes
Rear Setback	Internal lots: None specified External lots (adjoining R-20 zone): 25'	4B.1.6	Internal lots: 5' External lots: 25'	Yes
Height Limitation	90' Maximum	4B.1.8	35' Maximum	Yes
Open Space	10% of gross site area: 5.2 acres (226,512 s.f.)	4B.1.9	15.9%- 8.45 acres (committed)	Yes

Staff Analysis and Conclusion: The proposal meets the dimensional requirements of the Zoning Ordinance

Plan Consistency

Plan Requirements

Plan	Requirement(s)	Consistent
<i>South Durham</i>	Low Density Residential (1-4 units per acre)	Yes
<i>DTAG Master Plan</i>	A 100' easement on the south side of Third Fork Creek tributary as it crosses the southeast corner of the site	Yes

Staff Analysis and Conclusion: The proposal creates a density of 3.31 dwelling units/acre, which conforms to the future land use designation of the Small Area Plan. The *Durham Trails and Greenways Masterplan* shows a greenway and trail along the creek. In order to conform with the requirements of section 5M of the Subdivision Ordinance a 100' easement on the south side of Third Fork Creek tributary as it crosses the southeast corner of the site has been provided.

Area Characteristics

With the exception of older, R-20 developments to the west and northwest of this site, the residential development surrounding this proposal is of similar density to this proposal.

Adjoining Uses and Zoning Districts

	Existing Uses	Zoning Districts
North	Single family residences	PDR 3.44, R-20
East	Single family residences	PDR 3.65
South	Single family residences	PDR 3.65
West	Single family residences	PDR 3.44, R-20

Staff Analysis and Conclusion: The proposed development is generally compatible with the uses and densities within the surrounding area.

Site Characteristics

The proposal site is located within the F/J-B (Falls/Jordan) watershed protection overlay district and the Urban Growth Area (UGA). Within the UGA, the maximum impervious surface is without stormwater controls 24%; projects developed under the High Density Option (above 24% to a maximum of 70%) must have stormwater facilities designed and be constructed to control the first inch of stormwater runoff. This project anticipates an impervious surface of approximately 26.1%.

A tributary for Third Fork Creek runs through the southeastern section of the proposal, and an existing pond within the northeastern portion is proposed to be removed. A 100' railway easement will be provided along the tributary. Areas of steep slope have been indicated within the southeast portion of the site. There is no floodplain within the proposal site.

Code Requirements

Resource Feature	Requirement	How Addressed	Satisfies Code
Watershed	Falls/Jordan Watershed Protection Area B (F/J-B) 70% impervious limit with stormwater controls	26.1% impervious surface proposed (engineered controls proposed)	Yes
Floodplain	NA	NA	NA
Streams	Perennial stream: 100' buffer	100' buffer	Yes
Steep Slopes	28,854 s.f on site with maximum of 15% graded	No grading of steep slope areas	Yes
Tree Coverage	Tree coverage provided fully through retention of existing cover: 20% (10.56 acres- 459,993.6 s.f.)	20.8% (10.98 acres-committed)	Yes

Staff Analysis and Conclusion: Steep slopes are located within the southeast portion of the development site, primarily within the stream buffer and TUA areas. No disturbance of these slopes is proposed. Commitment to provision of tree coverage and open space in excess of minimum ordinance requirements is proffered. This proposal satisfies the ordinance requirements for protection of natural resource features.

Infrastructure Impacts

The impact of the requested change has been evaluated to suggest its potential impact on the transportation system, water and sewer systems, and schools. In each case, the impact of the change is evaluated based upon a change from the most intense development using the existing land use and zoning to the most intense use allowed under the request.

Road Impacts

South Roxboro Street and Cook Road are the major roads impacted by the proposed development. The proposed zoning will generate an additional trips over the current zoning designation. There are no roadway improvements scheduled for this area. There are no traffic demand management measures associated with the proposed project. A TIA is not required for this site.

Affected Segments		S. Roxboro Street	Cook Road
Roadway Capacity (LOS D) (ADT)		24,400	7,300
Latest Traffic Volume (ADT)		5,300	4,800
Traffic Generated by Present Designation (average 24 hour)		*960	
Traffic Generated by Proposed Designation (average 24 hour)		**1,734	
Impact of Rezoning Proposal		Increase in 774 trips	
Committed Transportation Elements	<ul style="list-style-type: none">Ardmore Drive will be extended to the intersection of Morningside Drive and Sturbridge Drive.Harmony Drive will be improved to current City of Durham Public Works standards (curb, gutter and pavement) to the intersection with Cook Road.By referencing roadway improvements on the development plan, the applicant agrees to construct said improvements prior to issuance of certificate of occupancy in a manner that will allow them to function as noted on the plan and in accordance with NCDOT and City of Durham standards and policies. This includes (where appropriate) but is not limited to: adequate transition tapers, alignment of lanes through intersections, associated signal modifications, pavement markings, associated signage, curb and gutter, coordination with other proposed roadway improvements and bike lanes. The applicant also accepts the financial responsibility for acquisition of any additional right-of-way necessary to accommodate these improvements and any required sidewalk construction.		

Source of LOS Capacity: Durham Impact Fee Study Update – May 2000

Source of Latest Traffic Volume: 2001 NCDOT Traffic Count Map

*Assumption-(Max Use of Existing Zone) – 92 Single Family Homes

** Assumption- 175 Single Family Homes

Transit Impacts

There is currently no transit serving this site.

Utility Impacts

Utilities are throughout the surrounding area and are to be extended by the applicant to serve the site.

Drainage/Stormwater Impacts

This proposal has been reviewed by, and has met all the requirements of, the City Stormwater Services Division.

School Impacts

An additional 32 students over the current zoning are estimated to be generated by this rezoning request. The schools potentially serving this site are Southwest Elementary, Lowes' Grove and Githens Middle Schools, and Hillside High School.

School Impacts- System Totals

	Elementary School	Middle School	High School
Current Building Capacity	14,906	6,468	8,145
Maximum Building Capacity (LOS)- 120% of capacity	17,887	7,762	9,774
Attendance (20th Day) SY 2003-04	14,503	7,070	8,766
Committed to date	258	89	102
Available Capacity	3,126	603	1,866
Students Under Current Zoning	18	8	10
Students Generated Under Proposed Zoning	35	15	18
Impact of Rezoning	+17	+7	+8

Staff Analysis and Conclusion: Infrastructure is available to accommodate development pursuant to the proposed zoning.

Public Contact/Comment

Notification	Zoning Committee	Durham City Council
Newspaper Ad	February 27 and March 5, 2004	April 16 and 24, 2004
Letter to adjacent	February 24, 2004	April 13, 2004

property owners, to 300'		
Neighborhood notice Woodcroft Community Association, Hope Valley Neighborhood Association, CAUSE, Hope Valley Farms North, Durham Justice and Fairness, Durham Peoples Alliance, Hope Valley Farms Homeowners Association, Revere's Run	February 23, 2004	April 12, 2004
Sign posted	February 27, 2004	February 27, 2004

Recommendation

Staff recommends approval, based upon consistency with the South Durham Small Area Plan. In addition, the effective date of this rezoning shall be after the subdivision of parcels, as determined by staff, in order for the rezoning to correspond to parcel boundaries (Section 15.2.1 of the Zoning Ordinance).

Staff Contact:

Michael Stock

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Summary of the Durham Planning Commission Zoning Committee Meeting of March 9, 2004

Michael Stock, Planner, made the staff presentation. Staff recommended approval based upon consistency with the adopted plans.

- Commissioner Brown requested that staff reports identify the schools in the proposal area.
- Chairperson Parker opened the public hearing.
- A representative of the applicant spoke in support of the proposal.
- One person spoke in support of the proposal.
- Ten persons spoke in opposition to the proposal, citing traffic, school overcrowding, public safety, lot size, property values and quality of life concerns.
- The representative of the applicant addressed the comments.
- Chairperson Parker closed the public hearing.
- Discussion centered on the connection to Morningside Drive, trip generation, sewer and pedestrian access easement, removal of the pond, increased run-off, mass grading, and adequate parking.

- Commissioner Davis made a motion to recommend approval (second by Commissioner Mabry).
- Commissioner Jentsch made a substitute motion to recommend denial (second by Commissioner Brown). The motion failed 2-3. Commissioners Davis, Mabry and Parker voted in opposition.
- The original motion passed 3-2. Commissioners Brown and Jentsch voted in opposition.

Commissioners' Written Comments:

Commissioner Brown: Woodcroft already has too much water running onto residents property now. This property is elevated above Woodcroft and run-off will result in more flooding in the area. Lots of 5,000 sq.ft. at this density will only create more problems for residents by adding more traffic in the area. Schools are overcrowded. On page 4 of the staff report, staff states that the proposed development is generally compatible. That does not mean that it is compatible. Many residents spoke against this rezoning. Residents ask for it to be developed as currently zoned. I voted to deny.

Commissioner Davis: Voted to approve. Good use of the remaining land.

Commissioner Jentsch: Recommended denial. It is not in the public interest to approve a rezoning that automatically doubles the traffic impacts and further overcrowds our schools by adding an additional 32 students.

Commissioner Parker: Consistent with the Small Area Plan. Two other subdivisions adjacent to this property have smaller lots.